

**F A X C O V E R**

\*\*\*\*\*OFFICIAL FAX\*\*\*\*\*

**Date:** June 27, 2003 **Number of pages** (including cover): //

**To:** SPE Gary Benzion, Art Unit 1634, U.S. Patent and Trademark Office

**Fax No.:** (703) 305-3014

**Serial No.:** 09/691,763

**Title:** TMS1 COMPOSITIONS AND METHODS OF USE

**From:** Maria A. Trevisan

**Direct dial:** 617.573.7866

**Our File #:** E00355.70003.US

**FAX RECEIVED**

JUN 30 2003

**GROUP 1600**

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**CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being transmitted via facsimile to the attention of SPE Gary Benzion, Art Unit 1634, FAX number 703.305.3014, at the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, in accordance with 37 C.F.R. §1.6(d), on the 27 day of June, 2003.



**Maria A. Trevisan**

**ORIGINAL DOCUMENTS WILL NOT BE MAILED.**

**MESSAGE:** Transmitted herewith is/are a Petition to Withdraw Notice of Abandonment

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**Wolf Greenfield Fax Number: 617.720.2441**

Wolf, Greenfield & Sacks, P.C. | 600 Atlantic Avenue | Boston, Massachusetts 02210-2206  
617.720.3500 | fax 617.720.2441 | [www.wolfgreenfield.com](http://www.wolfgreenfield.com)

**PATENTS TRADEMARKS COPYRIGHTS TECHNOLOGY TRANSFERS LITIGATION**

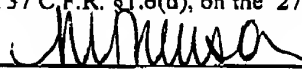
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paula M. Vertino  
Serial No.: 09/691,763  
Confirmation No.: 3870  
Filed: October 18, 2000  
For: TMS1 COMPOSITIONS AND METHODS OF USE  
Examiner: Jeanine Anne Goldberg  
Art Unit: 1634

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CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8 (a)

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Maria A. Trevisan

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

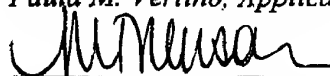
Transmitted herewith for filing are the following documents:

- ☒ [X] Petition to Withdraw Notice of Abandonment Based on Failure to Receive Office Communication (including Active and Inactive Docket Reports)
- ☒ [X] Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (617)720-3500, Boston, Massachusetts.

A check is not enclosed. If a fee is necessary, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,  
Paula M. Vertino, Applicant



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Maria A. Trevisan, Reg. No. 48,207  
Edward R. Gates, Reg. No. 31,616  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2211  
Telephone: (617) 720-3500

Docket No. E00355.70003.US  
Date: June 27, 2003  
xndd

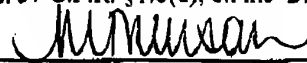
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Maria A. Trevisan

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION TO WITHDRAW NOTICE OF ABANDONMENT BASED ON FAILURE TO  
RECEIVE OFFICE COMMUNICATION**

Applicant's representatives received a Notice of Abandonment (paper number 25) mailed from the United States Patent and Trademark Office (USPTO) on June 17, 2003. In a telephone conversation with Mr. Tom Hawkins of the USPTO, Applicant's representatives learned that the Notice of Abandonment was based on a failure to pay the issue fee in response to a Notice of Allowance mailed from the USPTO on January 16, 2003. Applicant's representatives however did not receive the Notice of Allowance.

Applicant's representatives state herewith that the Notice of Allowance was not received and that a search of the file jacket and docket records indicates that the Notice of Allowance was not received. Attached herewith is a copy of the active and inactive docket records for the above-identified application. The non-received Notice of Allowance (and corresponding issue fee due) would have been entered on these docket reports had it been received and docketed by representatives' firm.

Applicant respectfully requests that this petition be granted and that the new Notice of Allowance be sent to the undersigned.

Respectfully submitted,  
*Paula M. Vertino, Applicant*



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Maria A. Trevisan, Reg. No. 48,207  
Edward R. Gates, Reg. No. 31,616  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2211  
Telephone: (617) 720-3500

Docket No. E00355.70003.US  
Date: June 27, 2003  
**xndd**



Inactive Docket Report

<u>Due Date</u>	<u>Comment</u>	<u>File Number</u>	<u>Attorney(s)</u>	<u>ID Number</u>	<u>Remarks/Disposition</u>	<u>Crossed Off</u>
01/18/2001		E0355/7003	ERG/MAT	09/691763	File IDS/Submit Preliminary Amendment? (3M) IDS filed 4/10/01/ERG Notes: ent'd p/ftg rcpt rec 02/14/01 File IDS/Submit Preliminary Amendment? (3M) IDS filed 4/10/01/ERG	MHT 04/15/01
01/18/2001		E0355/7003	MAT/ERG	09/691763		MHT 04/15/01
04/08/2001		E0355/7003	ERG/MAT	09/691763	Notes: ent'd p/ftg rcpt rec 02/14/01 Comply With Sequence Requirements (Four Ext Possible) Seq List filed 2/28/01/ERG	MHT 03/04/01
04/08/2001		E0355/7003	MAT/ERG	09/691763	Comply With Sequence Requirements (Four Ext Possible) Seq List filed 2/28/01/ERG	MHT 03/04/01
04/08/2001	PTA	E0355/7003	ERG/MAT	09/691763	File Missing Parts (Five Extensions Possible) Miss pts filed 2/28/01/ERG	MHT 03/04/01
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04/21/2001	PTA	E0355/7003	ERG/MAT	09/691763	Comply w/Sequence Requirements (Five Ext Possible) RESF 3/30/01/ERG	MHT 04/01/01
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05/08/2001		E0355/7003	ERG/MAT	09/691763	Comply w/Sequence Requirements w/1 month ext (1 of 4) Seq List filed 2/28/01/ERG	MHT 03/04/01
05/08/2001		E0355/7003	MAT/ERG	09/691763	Comply w/Sequence Requirements w/1 month ext (1 of 4) Seq List filed 2/28/01/ERG	MHT 03/04/01
05/08/2001	PTA	E0355/7003	ERG/MAT	09/691763	File Missing Parts With One Month Extension (1 of 5) Miss pts filed 2/28/01/ERG	MHT 03/04/01
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06/08/2001		E0355/7003	ERG/MAT	09/691763	Comply w/Sequence Requirements w/2 month ext (2 of 4) Seq List filed 2/28/01/ERG	MHT 03/04/01
06/08/2001		E0355/7003	MAT/ERG	09/691763	Comply w/Sequence Requirements w/2 month ext (2 of 4) Seq List filed 2/28/01/ERG	MHT 03/04/01
06/08/2001	PTA	E0355/7003	ERG/MAT	09/691763	File Missing Parts With Two Month Extension (2 of 5) Miss pts filed 2/28/01/ERG	MHT 03/04/01
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06/18/2001	Arbitrary	E0355/7003	ERG/MAT/IFD/KMK	09/691763	Advise Client - Foreign/PCT Filing (8M) no ff per MAT 2/21/01 Notes: ent'd p/ftg rcpt rec 02/14/01	MHT 02/24/01

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06/18/2001	Arbitrary	E0355/7003	IFD/MAT/ERG/KHK	09/691763	Advise Client - Foreign/PCT Filing (8M) no ff per MAT 2/21/01	MHT 02/24/01
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06/18/2001		E0355/7003	ERG/MAT	09/691763	Notes: ent'd p/fly rcpt rec 02/14/01 Convert to Provisional? (8M) c/o date passed	MHT 07/29/01
06/18/2001		E0355/7003	MAT/ERG	09/691763	Notes: ent'd p/fly rcpt rec 02/14/01 Convert to Provisional? (8M) c/o date passed	MHT 07/29/01
06/21/2001	PTA	E0355/7003	ERG/MAT	09/691763	Notes: ent'd p/fly rcpt rec 02/14/01 Comply w/Sequence Requirements w/2 month ext (2 of 5) RESF 3/30/01/ERG	MHT 04/01/01
06/21/2001	PTA	E0355/7003	MAT/ERG	09/691763	Comply w/Sequence Requirements w/2 month ext (2 of 5) RESF 3/30/01/ERG	MHT 04/01/01
07/08/2001		E0355/7003	ERG/MAT	09/691763	Comply w/Sequence Requirements w/3 month ext (3 of 4) Seq List filed 2/28/01/ERG	MHT 03/04/01
07/08/2001	PTA	E0355/7003	MAT/ERG	09/691763	Comply w/Sequence Requirements w/3 month ext (3 of 4) Seq List filed 2/28/01/ERG	MHT 03/04/01
07/08/2001	PTA	E0355/7003	ERG/MAT	09/691763	File Missing Parts With Three Month Extension (3 of 5) File Missing Parts With Three Month Extension (3 of 5) Miss pts filed 2/28/01/ERG	MHT 03/04/01
07/20/2001	pta	E0355/7003	ERG/MAT	09/691763	Restriction Requirement (Five Extensions Possible) RESF 7/20/01/MAT	MHT 07/29/01
07/20/2001	pta	E0355/7003	MAT/ERG	09/691763	Restriction Requirement (Five Extensions Possible) RESF 7/20/01/MAT	MHT 07/29/01
07/21/2001	PTA	E0355/7003	ERG/MAT	09/691763	Comply w/Sequence Requirements w/3 month ext (3 of 5) RESF 3/30/01/ERG	MHT 04/01/01
07/21/2001	PTA	E0355/7003	MAT/ERG	09/691763	Comply w/Sequence Requirements w/3 month ext (3 of 5) RESF 3/30/01/ERG	MHT 04/01/01
08/08/2001	NO EXT	E0355/7003	ERG/MAT	09/691763	Comply w/Sequence Requirements w/4 month ext (4 of 4) Seq List filed 2/28/01/ERG	MHT 03/04/01
08/08/2001	NO EXT	E0355/7003	MAT/ERG	09/691763	Comply w/Sequence Requirements w/4 month ext (4 of 4) Seq List filed 2/28/01/ERG	MHT 03/04/01
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08/18/2001		E0355/7003	ERG/MAT	09/691763	Convert to Provisional? (10M) c/o date passed	MNT 11/17/01
08/18/2001		E0355/7003	MAT/ERG	09/691763	Notes: ent'd p/flg rcpt rec 02/14/01 Convert to Provisional? (10M) c/o date passed	MNT 11/17/01
08/18/2001		E0355/7003	ERG/MAT/IFD/KMK	09/691763	Notes: ent'd p/flg rcpt rec 02/14/01 Foreign/PCT Filing Due In Two Months (10M) no ff per MAT 2/21/01	MNT 02/24/01
08/18/2001		E0355/7003	IFD/MAT/ERG/KMK	09/691763	Notes: ent'd p/flg rcpt rec 02/14/01 Foreign/PCT Filing Due In Two Months (10M) no ff per MAT 2/21/01	MNT 02/24/01
08/18/2001		E0355/7003	KMK/MAT/IFD/ERG	09/691763	Notes: ent'd p/flg rcpt rec 02/14/01 Foreign/PCT Filing Due In Two Months (10M) no ff per MAT 2/21/01	MNT 02/24/01
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08/20/2001	PTA	E0355/7003	ERG/MAT	09/691763	Notes: ent'd p/flg rcpt rec 02/14/01 Restriction Requirement W/Due Month Ext (1 of 5) RESF 7/20/01/MAT	MNT 07/29/01
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09/18/2001		E0355/7003	ERG/MAT	09/691763	Convert to Provisional? (11M) c/o date passed	MNT 11/17/01
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09/18/2001		E0355/7003	ERG/MAT/IFD/KMK	09/691763	Notes: ent'd p/flg rcpt rec 02/14/01 Foreign/PCT Filing Due In One Month (11M) no ff per MAT 2/21/01	MNT 02/24/01



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09/18/2001		E0355/7003	IFD/MAT/ERG/KMK	09/691763	Foreign/PCT Filing Due In One Month (11M) no ff per MAT 2/21/01	MAT 02/24/01
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09/21/2001	PTA NO EXT	E0355/7003	ERG/MAT	09/691763	Comply w/Sequence Requirements w/5 month ext (5 of 5) RESF 3/30/01/ERG	MAT 04/01/01
09/21/2001	PTA NO EXT	E0355/7003	MAT/ERG	09/691763	Comply w/Sequence Requirements w/5 month ext (5 of 5) RESF 3/30/01/ERG	MAT 04/01/01
10/18/2001	NO EXT	E0355/7003	ERG/MAT	09/691763	Convert to Provisional? (12M) NO EXT c/o date passed	MAT 12/08/01
10/18/2001	NO EXT	E0355/7003	MAT/ERG	09/691763	Notes: ent'd p/filg rcpt rec 02/14/01 Convert to Provisional? (12M) NO EXT c/o date passed	MAT 12/08/01
10/18/2001	NO EXT	E0355/7003	ERG/MAT/IFD/KMK	09/691763	Notes: ent'd p/filg rcpt rec 02/14/01 File Foreign/PCT Applications (12M) NO EXT no ff per MAT 2/21/01	MAT 02/24/01
10/18/2001	NO EXT	E0355/7003	IFD/MAT/ERG/KMK	09/691763	Notes: ent'd p/filg rcpt rec 02/14/01 File Foreign/PCT Applications (12M) NO EXT no ff per MAT 2/21/01	MAT 02/24/01
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11/20/2001	PTA	E0355/7003	ERG/MAT	09/691763	New Office Action Not Received - Send Status Letter PTA rec 09/20/01	KKA 10/03/01

<u>Due Date</u>	<u>Comment</u>	<u>File Number</u>	<u>Attorney(s)</u>	<u>ID Number</u>	<u>Remarks/Disposition</u>	<u>Crossed Off</u>
11/20/2001	PTA	E0355/7003	MAT/ERG	09/691763	New Office Action Not Received - Send Status Letter PTA rec 09/20/01	KXA 10/03/01
11/20/2001	PTA	E0355/7003	ERG/MAT	09/691763	Restriction Requirement W/Four Month Ext (4 of 5) RESF 7/20/01/MAT	MNT 07/29/01
11/20/2001	PTA	E0355/7003	MAT/ERG	09/691763	Restriction Requirement W/Four Month Ext (4 of 5) RESF 7/20/01/MAT	MNT 07/29/01
11/28/2001		E0355/7003	ERG/MAT	09/691763	Recorded Assignment Received? rec 05/24/01	KXA 05/31/01
11/28/2001		E0355/7003	MAT/ERG	09/691763	Recorded Assignment Received? rec 05/24/01	KXA 05/31/01
12/18/2001	PTA	E0355/7003	ERG/MAT	09/691763	Amendment (Three Extensions Possible) RESF 1/18/02/MAT	MNT 01/26/02
12/18/2001	PTA	E0355/7003	MAT/ERG	09/691763	Amendment (Three Extensions Possible) RESF 1/18/02/MAT	MNT 01/26/02
12/20/2001	PTA NO EXT	E0355/7003	ERG/MAT	09/691763	Restriction Requirement W/Five Month Ext (5 of 5) RESF 7/20/01/MAT	MNT 07/29/01
12/20/2001	PTA NO EXT	E0355/7003	MAT/ERG	09/691763	Restriction Requirement W/Five Month Ext (5 of 5) RESF 7/20/01/MAT	MNT 07/29/01
12/28/2001	PTA	E0355/7003	ERG/MAT	09/691763	1st Office Action Not Rec'd-Send Status Letter(14M10D) rec 06/25/01	KXA 06/29/01
12/28/2001	PTA	E0355/7003	MAT/ERG	09/691763	1st Office Action Not Rec'd-Send Status Letter(14M10D) rec 06/25/01	KXA 06/29/01
01/18/2002	PTA	E0355/7003	ERG/MAT	09/691763	Amendment With One Month Extension (1 of 3) RESF 1/18/02/MAT	MNT 01/26/02
01/18/2002	PTA	E0355/7003	MAT/ERG	09/691763	Amendment With One Month Extension (1 of 3) RESF 1/18/02/MAT	MNT 01/26/02
02/18/2002	PTA	E0355/7003	ERG/MAT	09/691763	Amendment With Two Month Extension (2 of 3) RESF 1/18/02/MAT	MNT 01/26/02
02/18/2002	PTA	E0355/7003	MAT/ERG	09/691763	Amendment With Two Month Extension (2 of 3) RESF 1/18/02/MAT	MNT 01/26/02
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05/18/2002	PTA	E0355/7003	ERG/MAT	09/691763	New Office Action Not Rec'd - Send Status Letter (PTA) OA Rec'd 5/13/02	MNT 05/22/02
05/18/2002	PTA	E0355/7003	MAT/ERG	09/691763	New Office Action Not Rec'd - Send Status Letter (PTA) OA Rec'd 5/13/02	MNT 05/22/02
06/03/2002		E0355/7003	ERG/MAT	09/691763	Respond to Interview Summary Record c/o date passed	MNT 08/14/02
06/03/2002		E0355/7003	MAT/ERG	09/691763	Respond to Interview Summary Record c/o date passed	MNT 08/14/02

<u>Due Date</u>	<u>Comment</u>	<u>File Number</u>	<u>Attorney(s)</u>	<u>ID Number</u>	<u>Remarks/Disposition</u>	<u>Crossed Off</u>
06/08/2002	PTA	E0355/7003	ERG/MAT	09/691763	Amendment (Three Extensions Possible) RESF 11/8/02/MAT	MMT 12/07/02
06/08/2002	PTA	E0355/7003	MAT/ERG	09/691763	Amendment (Three Extensions Possible) RESF 11/8/02/MAT	MMT 12/07/02
09/08/2002	PTA	E0355/7003	ERG/MAT	09/691763	Amendment With One Month Extension (1 of 3) RESF 11/8/02/MAT	MMT 12/07/02
09/08/2002	PTA	E0355/7003	MAT/ERG	09/691763	Amendment With One Month Extension (1 of 3) RESF 11/8/02/MAT	MMT 12/07/02
10/08/2002	PTA	E0355/7003	ERG/MAT	09/691763	Amendment With Two Month Extension (2 of 3) RESF 11/8/02/MAT	MMT 12/07/02
10/08/2002	PTA	E0355/7003	MAT/ERG	09/691763	Amendment With Two Month Extension (2 of 3) RESF 11/8/02/MAT	MMT 12/07/02
11/08/2002	PTA NO EXT	E0355/7003	ERG/MAT	09/691763	Amendment With Three Month Extension (3 of 3) RESF 11/8/02/MAT	MMT 12/07/02
11/08/2002	PTA NO EXT	E0355/7003	MAT/ERG	09/691763	Amendment and Response filed with fees for extension. Amendment With Three Month Extension (3 of 3) RESF 11/8/02/MAT	MMT 12/07/02
04/02/2003	PTA	E0355/7003	ERG/MAT	09/691763	Notes: Amendment and Response filed with fees for extension. New Office Action Not Rec'd - Send Status Letter (PTA) Stat Inq to PTO 5/28/03/MAT	MMT 05/31/03
04/02/2003	PTA	E0355/7003	MAT/ERG	09/691763	New Office Action Not Rec'd - Send Status Letter (PTA) Stat Inq to PTO 5/28/03/MAT	MMT 05/31/03
12/01/2002		E0355/7003	AU ERG/MAT	12110/01	Citation of References/Search Results Due in 1 Month reset to 06/01/03 p/AU PTO/dkt cntee	RXC 12/09/02
12/01/2002		E0355/7003	AU MAT/ERG	12110/01	Notes: MAT added 12/4/02/ERG request Citation of References/Search Results Due in 1 Month reset to 06/01/03 p/AU PTO/dkt cntee	RXC 12/09/02
12/27/2002		E0355/7003	AU ERG/MAT	12110/01	Notes: MAT added 12/4/02/ERG request Cite References in 5 Days Foreign Country Time reset to 06/01/03 p/AU PTO/dkt cntee	RXC 12/09/02
12/27/2002		E0355/7003	AU MAT/ERG	12110/01	Notes: MAT added 12/4/02/ERG request Cite References in 5 Days Foreign Country Time reset to 06/01/03 p/AU PTO/dkt cntee	RXC 12/09/02
01/01/2003		E0355/7003	AU ERG/MAT	12110/01	Notes: MAT added 12/4/02/ERG request Deadline to Cite References/Search Results reset to 6/1/03 p/AU PTO/dkt cntee	RXC 12/09/02
01/01/2003		E0355/7003	AU MAT/ERG	12110/01	Deadline to Cite References/Search Results reset to 6/1/03 p/AU PTO/dkt cntee	RXC 12/09/02
03/12/2003		E0355/7003	AU ERG/MAT/FD/ESC	12110/01	Request For Examination Due In Two Months c/o per ESC	RXC 03/13/03

Notes: \*ltr. to cl. 12/9/02; (ltr. sent to Emory - not Stephen R. Hanson; 3/10/03; RMDR to cl. 3/12/03